

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO, EASTERN DIVISION**

AIM LEASING COMPANY, et al.,	:	CASE NO. 4:14-cv-02161
Plaintiffs,	:	JUDGE BENITA Y. PEARSON
vs.	:	MAGISTRATE GEORGE J. LIMBERT
RLI CORPORATION, et al.,	:	
Defendants.	:	

**MOTION OF DEFENDANT HARBOR AMERICA EAST, INC. TO DISMISS ITS
THIRD-PARTY COMPLAINT AND FOR FINAL DISMISSAL**

Now comes Defendant Harbor America East, Inc., by and through counsel pursuant to FRCP 41(a)(2), and respectfully requests approval of this Court to dismiss its previously filed Third-Party Complaint, and for total dismissal from this lawsuit. A Memorandum in Support follows.

Respectfully submitted,

s/ **JOHN C. ALBERT**
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*Attorney for Defendant,
Harbor America East, Inc.*

MEMORANDUM IN SUPPORT

When Plaintiffs first filed their Complaint, Harbor America East, Inc. was named as a Defendant. A cross-claim was filed against Harbor America East, Inc. by Safe Fleet Insurance Services and David Williams, to which Harbor America East, Inc. (“HAE”) responded. HAE also filed a third-party complaint against RJL Insurance Services, Inc. and Richard J. Leibfried.

Thereafter, Plaintiffs voluntarily dismissed HAE from this matter. (Document 42). As such, HAE made requests to Safe Fleet Insurance Services and David Williams that they dismiss their cross-claim against HAE. However, before said dismissal could take place, Plaintiff filed an amended complaint, and did not name HAE as a Defendant in any fashion. All of the parties have now answered the Amended Complaint, and no cause of action or claim has been filed against HAE.

As such, HAE no longer has any involvement or participation in this lawsuit. So that HAE can be removed from the party and service list, HAE respectfully requests the Court grant this motion to formally dismiss without prejudice the Third-Party Complaint filed by HAE against RJL Insurance Services, Inc. and Richard J. Leibfried, and for dismissal of HAE from any further proceedings, service, or involvement in this matter.

Should the Court grant this motion, an appropriate Entry is attached.

Respectfully submitted,

s/ **JOHN C. ALBERT**
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*Attorney for Defendant,
Harbor America East, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of October, 2015, I electronically filed the **MOTION OF DEFENDANT HARBOR AMERICA EAST, INC. TO DISMISS ITS THIRD-PARTY COMPLAINT AND FOR FINAL DISMISSAL** with the Clerk of Court using the Electronic Filing System which will send notification of such filing to all counsel.

s/ **JOHN C. ALBERT**
JOHN C. ALBERT (0024164)